



STATE OF MICHIGAN
17TH JUDICIAL CIRCUIT COURT

KATHLEEN A. FEENEY
CIRCUIT JUDGE

SUITE 10200 A
180 OTTAWA AVENUE NW
GRAND RAPIDS, MICHIGAN 49503-2751

June 30, 2010

Chief Justice Marilyn J. Kelly
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

Re: ADM File No. 2010-08, Regarding Proposed Administrative Order No 2010-X

Dear Chief Justice Kelly:

It has recently come to my attention that when the parties to a civil action file for bankruptcy, the Caseflow Management Guidelines are tolled or suspended. I also discovered that SCAO has a proposed order for placing these cases in administrative closure due to the pending bankruptcy action. See SCAO Form 300. Domestic relations cases are not afforded the same treatment under the revised ADM File No. 2010-08.

In domestic relations cases, certain matters can be temporarily resolved despite the stay (i.e. custody, child support, etc.); however, no judgment of divorce can enter until the bankruptcy action is completed or the automatic stay is lifted in a manner sufficient to permit entry of the judgment. I have had several recent cases where protracted bankruptcy actions have severely delayed any progress in the underlying divorce or separate maintenance cases. In one particularly contentious case, the bankruptcy action delayed the entry of the divorce judgment for almost two years.

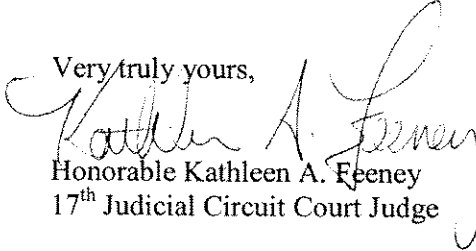
Because the court can temporarily resolve some matters pending the stay, administrative closure may not be an appropriate option for domestic relations actions. Nonetheless, the stay precludes entry of judgment in domestic relations cases the same way it does in general civil cases. Accordingly, it would be appropriate to toll or suspend the guidelines in domestic relations cases the same way they are tolled or suspended in general civil cases.

I hope that you and the Justices will correct the guidelines to toll or suspend their operation in domestic relations cases where the entry of judgment is precluded by the bankruptcy stay. This matter is of particular importance to those of us in the Family

Division of Michigan's Circuit Courts as we see more and more litigants seeking the protections afforded through bankruptcy while we are attempting to resolve their disputes in a timely fashion.

Thank you for your attention to this very pressing matter.

Very truly yours,

A handwritten signature in cursive script, reading "Kathleen A. Feeney". The signature is written in dark ink and is positioned above the printed name and title.

Honorable Kathleen A. Feeney
17th Judicial Circuit Court Judge